

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

Dominion Surgical Specialists, LLC, :  
: Plaintiff, :  
: v. : Case No.:  
: :  
CareFirst Blue Cross Blue Shield :  
Ins. Co, :  
: Defendant. :  
:

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and without waiving any defenses or objections, Defendant CareFirst Blue Cross Blue Shield (“CareFirst”), by counsel, Carr Maloney P.C., removes this action from the Circuit Court for Fairfax County, Virginia, to the United States District Court for the Eastern District of Virginia, Alexandria Division. In support of this Notice of Removal, CareFirst states as follows:

*Original Filing*

1. The Plaintiff, Dominion Surgical Specialists, LLC (“Dominion”) filed a complaint on November 12, 2019 in the Circuit Court for Fairfax County, Virginia. CareFirst was served on November 20, 2019. Pursuant to 28 U.S.C. § 1446, a copy of the all process, pleadings and exhibits, and orders served upon this defendant is attached hereto as **Exhibit A**.

2. The Complaint purports to seek reimbursement or money and/or payment of insurance benefits for medical services rendered by Dominion for a CareFirst member at the alleged value of \$483,856.76.

3. Dominion alleges that it has not been fully compensated by CareFirst for its services, and that CareFirst has a remaining balance of \$458,905.71 owed to Dominion.

*Timely Removal*

4. Pursuant to 28 U.S.C. Section 1446(b), a “notice of removal ... shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based . . . .”

5. CareFirst was served with the Complaint on November 20, 2019. Thus, removal is timely under 28 U.S.C. § 1446(b), because this Notice of Removal has been filed within 30 days after CareFirst was served with the Complaint.

*Subject Matter Jurisdiction*

6. Pursuant to 28 U.S.C. § 1332(a), “[t]he district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between . . . citizens of different states.”

7. At the time that the Complaint was filed and at the time of the removal, CareFirst was and continues to be a District of Columbia Corporation with its principal place of business in the District of Columbia. *See* Compl. ¶2.

8. At the time that the Complaint was filed and at the time of removal, Dominion was a Virginia corporation. *See* Compl. ¶1. Therefore, the parties are diverse.

9. The amount in controversy is at least \$458,905.71, which exceeds the minimum amount in controversy requirement. *See* Compl. ¶¶8, 29.

10. In light of the foregoing, this Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a).

11. Accordingly, this Court has jurisdiction over this matter.

*Grounds for Removal: Diversity*

12. Under 28 U.S.C. § 1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

13. As there is original jurisdiction pursuant to 28 U.S.C. § 1332(a), this matter is removable under 28 U.S.C. § 1441(a).

14. Because this matter is pending in the Circuit Court for Fairfax County, the Eastern District of Virginia (Alexandria Division) is the appropriate court to which this matter may be removed as it the “district and division embracing the place where [the state court] action is pending.” 28 U.S.C. § 1441(a).

*Preservation of Defenses*

15. By this Notice of Removal, CareFirst does not waive any defenses or objections that it may have as to service, venue, personal jurisdiction or any other defenses or objections it may have in this action. CareFirst makes no admission as to any facts, law, or liability, and expressly reserves all defenses available to it.

*Notice to Adverse Parties and State Court*

16. Promptly upon filing the Notice of Removal in this Court, a true and accurate copy of this Notice of Removal is being filed with the Clerk of the Circuit Court for Fairfax County, and a true and accurate copy of this Notice of Removal is also being sent to Dominion, through its counsel, in accordance with 28 U.S.C. § 1446(d).

WHEREFORE, Defendant CareFirst respectfully requests that the instant action be removed from the Circuit Court for Fairfax County, Virginia, where it is currently pending, to the United States District Court for the Eastern District of Virginia, Alexandria Division.

CAREFIRST BLUE CROSS BLUE SHIELD  
By Counsel

CARR MALONEY P.C.

By: /s/ Corey D. Zoldan  
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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing ***Defendant's Notice of Removal*** was served via regular mail, postage prepaid, on this 10th day of December, 2019, to the following:

Daniel G. Glynn., Esq., VSB #86162  
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/s/ Corey D. Zoldan  
Corey D. Zoldan, VSB #92625